



April 27, 2012

To: Executive Board
Subject: **2012 Legislative Summary**

Recommendation

Receive and file the April 2012 Legislative Summary. Adopt support positions on AB 1706 and AB 1585 and an oppose position on AB 2405.

Analysis

A summary of state and federal legislation and its status is attached. Board members should note that staff recommends **support positions on AB 1706 (Eng) and AB 1585 (Perez) and an oppose position on AB 2405 (Blumenfield)**.

Under existing state law, the maximum gross weight of a public transit bus on any one axle is prohibited from exceeding 24,500 pounds. However, that restriction was created in 1976 and is only 500 pounds heavier than the restriction generally placed on any other type of vehicle operating on the city streets, county roads and state highways. AB 1706 would exempt public transit buses from this weight limitation until January 1, 2016 and until that date, prohibit a public transit system from procuring a new transit bus whose gross weight exceeds the gross weight of the heaviest transit bus in the system's existing bus inventory, for that transit bus' fleet class as of December 31, 2012. The bill would require the Secretary of the Business, Transportation and Housing Agency to convene a task force for the purpose of preparing a report concerning the maximum axle weight limitations in federal and state statutes applicable to transit buses. The bill would specify the information, analyses, and recommendations to be included in the report and would require the report to be submitted by January 1, 2015, to the appropriate Senate and Assembly Committees of the Legislature that oversee transportation issues. The majority of Foothill Transit's fleet, along with those of most, if not all, transit agencies throughout the state exceeds this over quarter century old statute due to mandated clean air, safety, disability laws and advances in bus technology. This bill will protect us from being subject to citations and costly permits until a reasonable solution can be determined.

Existing law dissolved redevelopment agencies (RDA's) and community development agencies as of February 1, 2012. AB 1585 would amend the law so that an agreement that provided loans or other startup funds for the agency that was entered into within two years of the formation of the agency is valid and binds the successor agency. The bill would expand this exception to include an agreement involving a loan specific to a project area and other specified obligations. This bill will allow Foothill Transit to move



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forward with negotiations on a much needed park and ride project in West Covina that had been suspended since the RDA law was passed.

AB 2405 would exempt a vehicle that meets California's enhanced AT PZEV (Advanced Technology Partial Zero Emission Vehicle) standard from toll charges imposed on single-occupant vehicles in lanes designated for tolls unless prohibited by federal law. The proliferation of hybrid vehicles, or any additional exceptions for that matter, into carpool lanes defeats the purpose of providing considerable traffic flow and adds to the congestion that buses would encounter in such lanes. Foothill Transit has encountered added congestion that has impacted our on time performance on these high occupancy vehicle lanes due to the addition of these low emission vehicles. In addition, several jurisdictions are considering congestion pricing and exempting AT PZEVs may reduce revenue estimates for using high-occupancy toll lanes. The new ExpressLanes Demonstration Project on the 10 Freeway beginning in 2013 is an example.

In Washington, D.C., President Obama signed a 90-day extension of the SAFETEA-LU surface transportation authorization bill on March 30. The U.S. House of Representatives had approved by a vote of 266 to 158 and the Senate passed by unanimous consent the extension of the law governing federal transit and highway programs. The bill, which would extend SAFETEA-LU and the collection of motor fuels taxes that are deposited in the Highway Trust Fund (HTF) through June 30, 2012 is the ninth such extension since the original SAFETEA-LU bill expired Sept. 30, 2009.

Democrats in both chambers had voiced strong opposition to another extension and urged the House to take up and pass H.R. 14, the House version of S. 1813 (MAP-21), the Senate-passed bill that modifies and extends transit and highway programs through the end of Fiscal Year (FY) 2013. House Republican leaders have opposed the Senate's two-year bill and pushed for a 90-day extension that gives them time to redraft and build support for passage of their own five-year bill.

House Transportation & Infrastructure Committee Republican staff have stated that a revised five-year House bill will differ from the earlier version in that it will preserve current law under which a specific portion of motor fuels tax revenues are deposited into the Mass Transit Account (MTA) of the Highway Trust Fund and dedicated to programs administered by the Federal Transit Administration (FTA). Staff has also said that the revised House bill will preserve the existing MTA, which funds FTA programs, and return the Congestion Mitigation and Air Quality program and other current Federal Highway Administration programs to the Highway Account of the HTF.



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Financial Impact

There is no financial impact to the Foothill Transit budget at this time.

Sincerely,


David Reyno
Director of Government Relations


Doran J. Barnes
Executive Director

2012 Legislation Summary

Current as of 4/18/2012

(Amendments and Bills with updated status or requesting action are indicated in **bold)**

Bill No.	Author	Analysis	Potential Impacts	Location	Outside Agency Positions	Recommended Position
AB 147	Dickinson	Existing law under the Subdivision Map Act authorizes cities and counties to charge developer fees to defray the costs of infrastructure improvements to support development projects. Development impact fees levied under the Subdivision Map Act are charged as a condition of approval of a final map or building permit. Current law limits the use of these fees for the mitigation of traffic impacts to bridges and major thoroughfares. AB 147 would authorize a local agency to also use this fee for transit, bicycle, and pedestrian facilities.	This bill could mean more local money provided to Foothill Transit for facility construction.	Signed by the Governor & Chaptered by the Secretary of State - 9/6/2011	CTA - Support	Support Position Adopted 3/25/2011
AB 345	Atkins	Would require the Department of Transportation (Caltrans) to ensure that any committee or formal group of the California Traffic Control Devices Committee (CTCDC) includes representation from all users of the road, including public transit, thereby improving the implementation of complete streets policies.	This bill will make certain that the interests of state public transit agencies including Foothill Transit are represented on the CTCDC.	Senate Inactive File	CTA - Support	Support Position Adopted 5/27/2011
AB 485	Ma	Would provide an optional financing mechanism to allow transit agencies greater incentives and opportunities to explore transit-oriented development (TOD) options with local governments. Furthermore, if a city or county wishes to pursue a TOD project with a local transit agency within an existing "transit village development district," they may pursue an agreement setting forth the conditions by which bonds could be issued to develop and make improvements to a specific transit station.	This bill would provide Foothill Transit greater opportunities to work with our member cities and the County to pursue transit oriented development partnerships.	Senate Inactive File	CTA - Support	Support Position Adopted 4/27/2011
AB 650	Blumenfield	This bill would establish the Blue Ribbon Task Force on Public Transportation for the 21st Century and would require the task force to be comprised of 12 specified members appointed by the Senate Committee on Rules and the Speaker of the Assembly by March 31, 2012. The bill would require the task force to prepare a written report that contains specified findings and recommendations relating to the current state of California's transit system, the estimated cost of creating the needed system over various terms, and potential sources of funding to sustain the transit system's needs, and to submit the report by March 31, 2013, to the Governor and other key legislative bodies.	We understand that members of the environmental community will have a role on the Task Force which brings an important voice for transit into the mix who has not been actively involved previously.	Vetoed by the Governor - 9/26/2011	CTA – Support LA Metro - Support	Support Position Adopted 3/25/2011
AB 1097	Skinner	Would require the Secretary of the Business, Transportation and Housing Agency to authorize a state or local agency receiving federal funds for transit purposes to provide a bidding preference to a bidder if the bidder meets or exceeds Buy America requirements applicable to federally funded transit projects.	Existing federal guidelines preclude state transit agencies that receive federal funds from crediting American-made products and manufacturing at a greater than 60% level unless a state Buy American provision exists in statute that is more stringent than Federal Transit Administration (FTA) standards. The State of California currently has no such preference law. By authorizing transit agencies to assign more credit to bidders that use a higher percentage of domestic content	Signed by the Governor & Chaptered by the Secretary of State - 10/2/2011	CTA – Support	Support Position Adopted 8/26/2011

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Bill No.	Author	Analysis	Potential Impacts	Location	Outside Agency Positions	Recommended Position
AB 1585	Perez	Existing law dissolved redevelopment agencies (RDA's) and community development agencies as of February 1, 2012. This bill would amend the law so that an agreement that was provided loans or other startup funds for the agency that was entered into within 2 years of the formation of the agency is valid and binds the successor agency. The bill would expand this exception to include an agreement involving a loan specific to a project area and other specified obligations.	than federal guidelines require, this bill may assist in stimulating more manufacturing in this country to support transit needs and create jobs in the United States and California.			
AB 1706	Eng	Under existing state law, the maximum gross weight of a public transit bus on any one axle is prohibited from exceeding 24,500 pounds. However, that restriction was created in 1976 and, is only 500 pounds heavier than the restriction generally placed on any other type of vehicle operating on the city streets, county roads and state highways. This bill would exempt public transit buses from this weight limitation until January 1, 2016 and until that date, prohibit a public transit system from procuring a new transit bus whose gross weight exceeds the gross weight of the heaviest transit bus in the system's existing bus inventory, for that transit bus' fleet class as of December 31, 2012. The bill would require the Secretary of the Business, Transportation and Housing Agency to convene a task force for the purpose of preparing a report concerning the maximum axle weight limitations in federal and state statutes applicable to transit buses. The bill would specify the information, analyses, and recommendations to be included in the report and would require the report to be submitted by January 1, 2015, to the appropriate Senate and Assembly Committees of the Legislature that oversee transportation issues.	The majority of Foothill Transit's fleet, along with those of most, if not all, transit agencies throughout the state exceeds this over quarter century old statute due to mandated clean air, safety, disability laws and advances in bus technology. This bill will protect us from being subject to citations and costly permits until a reasonable solution can be determined.	Assembly Committee on Transportation	CTA - Support	
AB 2405	Blumenfield	This bill would exempt a vehicle that meets California's enhanced AT PZEV (Advanced Technology Partial Zero Emission Vehicle) standard from toll charges imposed on single-occupant vehicles in lanes designated for tolls unless prohibited by federal law.	The proliferation of hybrid vehicles, or any additional exceptions for that matter, into carpool lanes defeats the purpose of providing considerable traffic flow and adds to the congestion that buses would encounter in such lanes. Foothill Transit has encountered added congestion that has impacted our on time performance on these high occupancy vehicle lanes due to	Assembly Committee on Transportation	CTA - Oppose	Oppose

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Bill No.	Author	Analysis	Potential Impacts	Location	Outside Agency Positions	Recommended Position
ACA 23	Perea	Would provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for local transportation projects requires the approval of 65% of its voters voting on the proposition.	the addition of these low emission vehicles. In addition, several jurisdictions are considering congestion pricing and exempting AT PZEVs may reduce revenue estimates for using high-occupancy toll lanes. The new Express Lanes Demonstration Project on the 10 Freeway beginning in 2013 is an example.	Existing law under the California Constitution requires the approval of a 2/3rds majority of voters on any special taxes proposed. Reducing this threshold will improve the chances for badly needed local transportation projects to move forward.	Assembly Committee on Rules	CTA - Support Support Position 3/23/2012
SB 582	Emmerson	Existing law requires transportation planning agencies to undertake various transportation planning activities, including preparation of a regional transportation plan and also requires transportation planning agencies that are designated under federal law as metropolitan planning organizations (MPO's) to include a sustainable communities strategy as part of the regional transportation plan for their region. SB 582, beginning on January 1, 2013, would authorize a metropolitan planning organization, in partnership with the local air quality management district, to adopt a commute benefit ordinance that requires covered employers operating within the common jurisdiction of the organization and district with 20 or more covered employees to offer those employees certain commute benefits.	Additional commuter benefits could mean more potential riders on Foothill Transit's system.	Vetoed by the Governor – 8/1/2011	CTA – Support Support Position Adopted 3/25/2011	
SB 1257	Hernandez	Foothill Transit's sponsored bill that exempts from any utility user's tax (UUT) imposed by any local agency the consumption of electricity by a local agency or public transit operator for transportation purposes and is dedicated to serve the local agency or public transit operator.	Will save Foothill Transit the annual cost in local taxes as well as other transit agencies potential UUT Tax savings.	Senate Committee on Governance and Finance	Senate Committee on Governance and Finance Support Position Adopted 3/23/2012	

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H.R. 1380	Sullivan	The New Alternative Transportation to Give Americans Solutions Act of 2011 is designed to promote a switchover from petroleum-based fuels to natural gas for transportation. The bill would provide a variety of tax breaks to transit agencies, trucking companies, vehicle owners and vehicle manufacturers to transition from gasoline and diesel to natural gas and provide approximately \$5 billion in subsidies over a five year period. Transit agency tax breaks would include amending the Internal Revenue Code to allow an excise tax credit through 2016 for alternative fuels and fuel mixtures involving compressed or liquefied natural gas.	The extension of the alternative fuels excise tax credit until 2016 would provide Foothill Transit with an ongoing operating funding source for the next five years.	House Committee on Energy and Commerce	Clean Energy	Support